

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN

DONALD J. TRUMP, CANDIDATE FOR
PRESIDENT OF THE UNITED STATES
OF AMERICA,

Plaintiff,

v.

Case No. 20-CV-1785

WISCONSIN ELECTIONS
COMMISSION, et al.,

Defendants.

**STATE DEFENDANTS' OBJECTIONS AND RESPONSES TO
PLAINTIFF'S EXPEDITED REQUESTS FOR PRODUCTION AND
ADMISSION**

Defendants Wisconsin Elections Commission and its members, and Wisconsin Secretary of State Douglas La Follette ("State Defendants"), by their undersigned counsel, hereby assert the following objections and provide the following responses to Plaintiff's Expedited Requests for Production and Admission (Dkt. 28-1, 28-2).

GENERAL OBJECTIONS

State Defendants incorporate the following General Objections into the responses as set forth below.

1. State Defendants object to Plaintiff's Expedited Requests for Production and Admission (Dkt. 28-1, 28-2) to the extent they purport to impose burdens other than or beyond those imposed by Rules 26, 33, 34, and 36 of the Federal Rules of Civil Procedure.

2. State Defendants object to Plaintiff's Expedited Requests for Production (Dkt. 28-1) as overly broad, unduly burdensome, and requiring a response disproportionate to the needs of the case as the requests are not limited in time and thus potentially includes decades of documents.

3. State Defendants object to Plaintiff's Expedited Requests for Production (Dkt. 28-1) as overly broad, unduly burdensome, and requiring a response disproportionate to the needs of the case, in that any responsive documents are irrelevant and immaterial to the ultimate legal questions at issue.

4. State Defendants object to Plaintiff's Expedited Requests for Production (Dkt. 28-1) to the extent they seek disclosure of any documents or information protected by the attorney-client privilege, the attorney work product doctrine, or any other applicable privilege or protection. To the extent that a request calls for documents or information protected by the attorney-client privilege, the attorney work product doctrine, or any other applicable privilege or protection, State Defendants hereby claim such privilege and invoke such protection. The fact that State Defendants do not specifically

object to an individual request on the ground that it seeks privileged or protected documents or information shall not be deemed a waiver of the protections afforded by the attorney-client privilege, the attorney work product doctrine, or any other applicable privilege or protection.

REQUESTS FOR PRODUCTION

Request No. 1: Please provide all forms, rules, standards and/or procedures promulgated by the Wisconsin Elections Commission regarding the use of absentee ballot drop boxes including but not limited to:

- a.) the security of such boxes and their contents;
- b.) the conditions by which individuals may access the boxes;
- c.) the standards and procedures for transferring ballots from the boxes;
- d.) the records used to document the transfer of ballots from the boxes;
- e.) standards and procedures for security and monitoring of the boxes;
- f.) standards and procedures for taking possession of the boxes at the time of polls closing, documenting the time of pickup, the chain of custody of ballots deposited in the boxes and/or which cover the transfer of the ballots from the boxes to other locations; and
- g.) Documents sufficient to identify the date(s) on which the Wisconsin Elections Commission first generally provided each such form, rule, standard and/or procedure to Wisconsin local election officials including municipal and/or county clerks.

Response to Request No. 1: State Defendants incorporate the General Objections listed above. Subject to and without waiving the foregoing objections, see the documents produced via Sharefile, bates numbers WEC 000001-000028 and 000052-000120.

Request No. 2: Please provide all forms, rules, standards and/or procedures promulgated by the Wisconsin Elections Commission regarding how and/or whether local election officials are to engage in altering, amending, curing, fixing and/or repairing defects on absentee ballot elector certification and/or witness certifications (hereafter “Absentee Ballot Certification Alterations”), including but not limited to any such forms, rules, standards and/or procedures which address:

- a.) which election officials may make Absentee Ballot Certification Alterations;
- b.) how to determine whether to make an Absentee Ballot Certification Alteration or Alterations;
- c.) whether and when to contact the elector concerning possible Absentee Ballot Certification Alterations;
- d.) which Absentee Ballot Certification Alterations are permissible;
- e.) how to document and/or notate Absentee Ballot Certification Alterations;
- and
- f.) records to be kept concerning Absentee Ballot Certification Alterations.

Response to Request No. 2: State Defendants incorporate the General Objections listed above. Subject to and without waiving the foregoing objections, see the documents produced via Sharefile, bates numbers WEC 000029-000046 and 000121-000443.

Request No. 3: Please provide all forms, rules, standards and/or procedures promulgated by the Wisconsin Elections Commission regarding public access, watchers and/or observers in connection with the delivery, receipt, casting, voting, canvassing, challenging and tabulation of absentee ballots.

Response to Request No. 3: State Defendants incorporate the General Objections listed above. Subject to and without waiving the foregoing objections, see the documents produced via Sharefile, bates numbers WEC 000047-000051 000444-000461.

REQUESTS TO ADMIT

Request No. 1: Admit that the exhibits attached to Plaintiff's complaint and specifically identified as Exhibits 2, 13, 14, 32, 35, and 36 are true, accurate, and complete copies of documents published or issued by the Wisconsin Elections Commission in its official capacity.

Response to Request No. 1: Admit.

Request No. 2: Admit that the exhibit attached to Plaintiff's complaint and specifically identified as Exhibit 18 is a true, accurate, and complete list of ballot drop box locations and instructions prepared and issued by the Wisconsin Elections Commission in its official capacity.

Response to Request No. 2: Admit.

As to Admissions:

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing responses requests to Admit 1 and 2 are true and correct.

Dated this 8th day of December, 2020.

/s/ Meagan Wolfe
Meagan Wolfe

As to Objections and Documents Provided:

Dated this 8th day of December 2020.

Respectfully submitted,

JOSHUA L. KAUL
Attorney General of Wisconsin

Electronically signed by:

s/Steven C. Kilpatrick
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